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Paper Number

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

[Signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/425,890	10/25/99	FAHEY	J 046585/0121
		IM22/0421	EXAMINER
			WONG, L
			ART UNIT
			PAPER NUMBER
		1761	5
		DATE MAILED:	04/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<i>Office Action Summary</i>	Application No. 09/425,890	Applicant(s) Fahey et al.
	Examiner Leslie Wong	Group Art Unit 1761
<p><input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>October 25, 1999 and November 30, 1999</u>.</p> <p><input type="checkbox"/> This action is FINAL.</p> <p><input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p> <p>A shortened statutory period for response to this action is set to expire <u>30 days</u> month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).</p> <p>Disposition of Claims</p> <p><input checked="" type="checkbox"/> Claim(s) <u>36-38 and 48-51</u> is/are pending in the application.</p> <p>Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p><input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p><input type="checkbox"/> Claim(s) _____ is/are rejected.</p> <p><input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p><input checked="" type="checkbox"/> Claims <u>36-38 and 48-51</u> are subject to restriction or election requirement.</p> <p>Application Papers</p> <p><input type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.</p> <p><input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p><input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved.</p> <p><input type="checkbox"/> The specification is objected to by the Examiner.</p> <p><input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p> <p>Priority under 35 U.S.C. § 119</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p><input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received.</p> <p><input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____.</p> <p><input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>*Certified copies not received: _____.</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p> <p>Attachment(s)</p> <p><input type="checkbox"/> Notice of References Cited, PTO-892</p> <p><input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____</p> <p><input type="checkbox"/> Interview Summary, PTO-413</p> <p><input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948</p> <p><input type="checkbox"/> Notice of Informal Patent Application, PTO-152</p>		

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Art Unit: 1761

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 37 and 38, drawn to a method of preparing a food product comprising an extraction, classified in class 426, subclass 430.
- II. Claims 36 and 48-51, drawn to a method of preparing a food product, classified in class 426, subclass 615.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions are not disclosed as capable of use together and they have different modes of operation, where Invention I comprises an extraction..

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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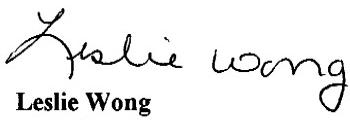
Art Unit: 1761

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 308-1979. The examiner can normally be reached on Tuesday-Thursday from 6:30 AM to 3:00 PM.

The fax number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Leslie Wong
Primary Examiner
Art Unit 1761

LAW
April 20, 2000

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Paper Number

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICEAttorney Docket No: 046585/0121 *OW**#
6
6-1-00*
In re patent application of

Jed FAHEY, et al.

Serial No.: 09/425,890

Filed: October 25, 1999



Group Art Unit: 1761

Examiner: L. WONG

For: CANCER CHEMOPROTECTIVE FOOD PRODUCTS

RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed April 21, 1999 in the above-identified application, applicants hereby elect with traverse Group II, claims 36 and 48-51. A response was due on May 21, 2000, a Sunday, thus making May 22, 2000, the next business day, the timely date for filing this response. It is believed that no fee is due, but should such a fee be due, consider this paragraph a request and authorization to charge the appropriate fee to Deposit Account No. 19-0741.

Applicants respectfully submit that the pending claims do not require restriction because examination of all of the pending claims would not require additional searches or otherwise place a serious burden on the examiner. See MPEP 803.

Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

May 22, 2000
Date

Jayne A. Huleatt
Jayne A. Huleatt
Reg. No. 34,485

RECEIVED
MAY 23 2000
TC 170 MAIL ROOM

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Paper Number

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/425,890	10/25/99	FAHEY	J 046585/0121
		IM22/0810	EXAMINER
			WONG, L
		ART UNIT	PAPER NUMBER
		1761	7
		DATE MAILED:	08/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/426,890	Applicant(s) Fahey et al.
	Examiner Leesie Wong	Group Art Unit 1761
		
<p><input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>May 22, 2000</u></p> <p><input type="checkbox"/> This action is FINAL.</p> <p><input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p> <p>A shortened statutory period for response to this action is set to expire <u>three</u> month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).</p> <p>Disposition of Claims</p> <p><input checked="" type="checkbox"/> Claim(s) <u>36-38 and 48-51</u> is/are pending in the application.</p> <p>Of the above, claim(s) <u>37 and 38</u> is/are withdrawn from consideration.</p> <p><input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p><input checked="" type="checkbox"/> Claim(s) <u>36 and 48-51</u> is/are rejected.</p> <p><input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p><input type="checkbox"/> Claims _____ are subject to restriction or election requirement.</p> <p>Application Papers</p> <p><input type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.</p> <p><input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p><input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved.</p> <p><input type="checkbox"/> The specification is objected to by the Examiner.</p> <p><input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p> <p>Priority under 35 U.S.C. § 119</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p><input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received.</p> <p><input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____.</p> <p><input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>*Certified copies not received: _____</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p> <p>Attachment(s)</p> <p><input checked="" type="checkbox"/> Notice of References Cited, PTO-892</p> <p><input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____</p> <p><input type="checkbox"/> Interview Summary, PTO-413</p> <p><input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948</p> <p><input type="checkbox"/> Notice of Informal Patent Application, PTO-152</p>		

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 09/425890

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Art Unit: 1761

Applicant's election of Group II, claims 36 and 48-51, in Paper No. 6 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 36 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 14 of prior U.S. Patent No. 5,725,895. This is a double patenting rejection.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

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harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 48-51 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 5,725,895 and 5,968,567. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims merely differ as to the germination of the seeds, where the use of the ungerminated seed in food production would be obvious to one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 308-1979. The examiner can normally be reached on Tuesday-Thursday from 6:30 AM to 5:00 PM.

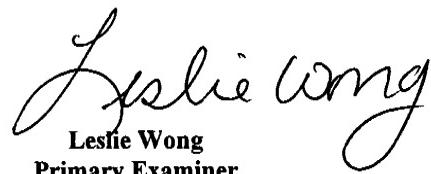
The fax number for this Group is (703) 305-7718.

Application/Control Number: 09/425890

Page 4

Art Unit: 1761

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Leslie Wong
Primary Examiner
Art Unit 1761**

LAW
August 9, 2000

<i>Notice of References Cited</i>			Application No.	Applicant(s)		
			09/425,890	Fahey et al.		
			Examiner	Group Art Unit		
			Leslie Wong	1761	Page 1 of 1	
U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME		CLASS	SUBCLASS
A	5,725,895	03-1998	Fahey et al.		426	49
B	5,968,567	10-1999	Fahey et al.		426	49
C						
D						
E						
F						
G						
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FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 046585/0121

In re patent application of

Jed FAHEY, et al.

Serial No.: 09/425,890

Filed: October 25, 1999

For: CANCER CHEMOPROTECTIVE FOOD PRODUCTS



Group Art Unit: 1761

Examiner: L. WONG

1761
8/C
11-21-00
JLW

AMENDMENT AND REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. §1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This responds to the Office Action mailed on August 10, 2000 in the above-identified application. A response was due on November 10, 2000, a Federal Holiday, thus making November 13, 2000, the next business day, the timely date for filing this response. It is believed that no fee is due, but should such a fee be due, consider this paragraph a request and authorization to charge the appropriate fee to Deposit Account No. 19-0741.

Kindly amend the above-identified application as follows:

IN THE CLAIMS:

Kindly cancel claims 37 and 38 without prejudice or disclaimer for filing in one or more divisional applications.

36. (Once amended) A method of preparing a food product[,] rich in glucosinolates comprising cruciferous seeds, flour made from the cruciferous seeds, or a combination thereof, wherein said method comprises [comprising] introducing cruciferous seeds, flour made from the cruciferous seeds, or a combination thereof, into another edible ingredient, wherein said seeds and flour are rich in glucosinolates [wherein said seeds produce sprouts having at least 200,000 units per gram fresh weight of Phase 2 enzyme-inducing potential when measured after 3-days of growth and non-toxic levels of indole glucosinolates and their breakdown products and goitrogenic hydroxybutenyl glucosinolates, into another edible ingredient].

U.S. Serial No. 09/425,890

748. (Once amended) A method of preparing a human food product rich in glucosinolates comprising cruciferous seeds, flour made from the cruciferous seeds, or a combination thereof, wherein the cruciferous seeds [or] and flour [contain high Phase 2 enzyme-inducing potential, comprising the steps of] are rich in glucosinolates, wherein said method comprises:

C2

- (a) selecting cruciferous seeds which produce sprouts that [contain at least 200,000 units per gram fresh weight of Phase 2 enzyme-inducing potential when measured after 3-days of growth] are rich in glucosinolates, and
- (b) preparing a food product from the selected cruciferous seeds.

Kindly add the following claims:

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52. The method of claim 36, wherein said seeds and flour contain high Phase 2 enzyme-inducing potential and non-toxic levels of indole glucosinolates and their breakdown products and goitrogenic hydroxybutenyl glucosinolates.

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53. The method of claim 36, wherein said seeds produce sprouts having at least 200,000 units per gram fresh weight of Phase 2 enzyme-inducing potential when measured after 3-days of growth and non-toxic levels of indole glucosinolates and their breakdown products and goitrogenic hydroxybutenyl glucosinolates,

C3

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54. The method of claim 36, wherein said seeds produce sprouts having at least 300,000 units per gram fresh weight of Phase 2 enzyme-inducing potential when measured after 3-days of growth and non-toxic levels of indole glucosinolates and their breakdown products and goitrogenic hydroxybutenyl glucosinolates,

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55. The method of claim 36, wherein said seeds produce sprouts having at least 400,000 units per gram fresh weight of Phase 2 enzyme-inducing potential when measured after 3-days of growth and non-toxic levels of indole glucosinolates and their breakdown products and goitrogenic hydroxybutenyl glucosinolates,

U.S. Serial No. 09/425,890

b6 36. The method of claim ³⁶, wherein said seeds produce sprouts having at least 500,000 units per gram fresh weight of Phase 2 enzyme-inducing potential when measured after 3-days of growth and non-toxic levels of indole glucosinolates and their breakdown products and goitrogenic hydroxybutenyl glucosinolates,

C3

11 37. The method of claim ⁴⁸, wherein said seeds and flour contain high Phase 2 enzyme-inducing potential and non-toxic levels of indole glucosinolates and their breakdown products and goitrogenic hydroxybutenyl glucosinolates.

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58. The method of claim ⁴⁸, wherein the selected cruciferous seeds produce sprouts that contain at least 200,000 units per gram fresh weight of Phase 2 enzyme-inducing potential when measured after 3-days of growth.--

REMARKS

Claims 36 and 48-58 are pending in this application. Claims 36 and 48 are amended and claims 37 and 38 are canceled. Claims 52-58 are added. Applicants confirm the election of Group II, claims 36 and 48-51.

1. Rejection under Statutory Double Patenting

Claim 36 is rejected under 35 U.S.C. 101 double patenting as claiming the same invention as that of claim 14 of U.S. Patent No. 5,725,895. Applicants have amended claim 36 to overcome this rejection. It is requested that this rejection be withdrawn.

2. Rejection under Obvious-Type Double Patenting

Claims 48-51 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent Nos. 5,725,895 and 5,968, 567. Applicants herewith enclose a terminal disclaimer to overcome this rejection. It is requested that this rejection be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there

U.S. Serial No. 09/425,890

If there are any questions, Examiner Wong is courteously invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

Nov. 13, 2000
Date

for Jerome J. Hulatt Reg. No. 34,485
Richard C. Peet
Reg. No. 35,792

Foley & Lardner
3000 K Street, NW, Suite 500
Washington, DC 20007-5109
Tel: (202) 672-5300

11/13/00
FOLY & LARDNER
RICHARD C. PEET
REG. NO. 35,792
JEROME J. HULATT
REG. NO. 34,485

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Paper Number

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 046585/0121

In re patent application of

Jed FAHEY et al.

Serial No. 09/425,890

Filed October 25, 1999

For: CANCER CHEMOPROTECTIVE FOOD PRODUCTS



Art Unit: 1761

Examiner: L. Wong

H. J. Bell

TC 1761
L. Wong
11/14/2000
11/14/2000

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Your Petitioner, JOHNS HOPKINS SCHOOL OF MEDICINE, 2024 E. Monument Street, Suite 2-100, Baltimore, Maryland 21205, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent No. 5,968,567, which issued on U.S. Patent Application Serial No. 08/840,234, filed April 11, 1997, which is a continuation of 08/528,858, filed September 15, 1995, now U.S. Patent No. 5,725,895, as evidenced by the Assignment recorded at the USPTO, Reel 7694, Frame 0746 (copy attached as Exhibit 1). Your Petitioner hereby disclaims the terminal part of the term of any patent granted on the above-identified application which would extend beyond the full statutory term of U.S. Patent Nos. 5,968,567, and 5,725,895, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 5,968,567 and 5,725,895, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified application, prior to the full statutory term of U.S. Patent Nos. 5,968,567 and 5,725,895, as defined in 35 USC §§154-156 and 173, in the event that U.S. Patent Nos. 5,968,567 and 5,725,895 expire for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent

11/14/2000 BHABTEW 0000003 09425890

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110.00 DP

Serial No. 09/425,890

jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise deemed not to provide the rights conveyed by 35 USC §154 prior to the full statutory term of U.S. Patent Nos. 5,968,567 and 5,725,895, as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any extension or restoration of term relating to any patent granted on the above-identified application, which extension or restoration is effected under 35 U.S.C. §§155, 155A or 156 or any other applicable statute. The undersigned, being the Attorney of Record for the above-identified application and duly authorized to act on behalf of Petitioner, certifies to the best of his knowledge and belief, legal title in the above-identified application rests with Petitioner.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

November 13, 2000

Date


Richard C. Peet
Registration No. 35,792

Foley & Lardner
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007
Tel: (202) 672-5300
Fax: (202) 672-5399

Exhibit 1

RECEIVED
U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JHU-TECHNOLOGY LICENSING TEL: 410-955-1245

Apr 4, 97 15:13 No.006 P.02



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MARCH 14, 1996

PTAS

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FOLEY & LARDNER
P.O. BOX 25696
3000 K STREET, N.W., SUITE 500
WASHINGTON, D.C. 20007-5109



100091892A

R C H I V E

MAR 20 1996

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/15/1995

REEL/FRAME: 7694/0746
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:
FAHEY, JED W.

DOC DATE: 09/13/1995

ASSIGNEE:
TALALAY, PAUL

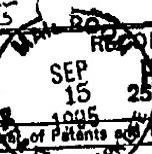
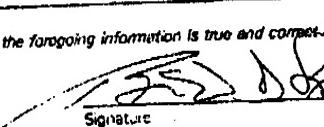
DOC DATE: 09/13/1995

ASSIGNEE:
JOHNS HOPKINS SCHOOL OF MEDICINE
2024 E. MONUMENT STREET, SUITE 2-100
BALTIMORE, MARYLAND 21205

SERIAL NUMBER: 08528858
PATENT NUMBER:

FILING DATE: 09/15/1995
ISSUE DATE:

SEDLEY PYNE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

JHU-TECHNOLOGY LICENSING TEL: 410-955-1245		Apr 4, 97 15:15 No.006 P.03 #46 08 580035 JV
 9-15-95 U.S. PATENT & TRADEMARK OFFICE RECEIVED SEP 15 1995 1005		11-21-1995
FORM PTO-1895 Rev. 6-28 GMB No. 0651-0011 (exp. 4/98)		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office 11/15/95
To the Honorable Commissioner of Patents and Trademarks 1. Name of conveying party(ies): Jed W. FAHEY, Paul TALALAY Additional name(s) or conveying party(ies) attached? No		
2. Name and address of receiving party(ies): Name: Johns Hopkins School of Medicine Internal Address: Street Address: 2024 E. Monument Street, Suite 2-100 City: Baltimore , State: MD ZIP: 21205		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment Merger Security Agreement Change of Name Other Execution Date: 09-13-95 Additional name(s) & address(es) attached? No		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: 09-15-95 A. Patent Application No.(s) Additional numbers attached? No		
B. Patent No.(s) 5. Name and address of party to whom correspondence concerning document should be mailed: Name: OLEY & LARDNER - Attn: B. Saxe Internal Address: P.O. Box 25696 Street Address: 3000 K Street, N.W., Suite 500 City: Washington, D.C. ZIP: 20007-5109 6. Total number of applications and patents involved: 1 7. Total fee (37 C.F.R. § 3.41). \$40.00 <input checked="" type="checkbox"/> Enclosed - Authorized to be charged to deposit account B. Deposit account number: (Attach duplicate copy of this page if paying by deposit account)		
DO NOT USE THIS SPACE 110 MG 10/11/95 08528858 1 581 40.00 CK		
8. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Bernard D. Saxe Name of Person Signing		
 Signature September 15, 1995 Date		
Total number of pages including cover sheet, attachments, and document: 2		

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT - WORLD WIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

JOHNS HOPKINS SCHOOL OF MEDICINE

its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

CANCER CHEMOPROTECTIVE FOOD PRODUCTS

as set forth in his United States Patent Application

executed concurrently herewith
 executed on _____
 Serial No. _____ filed _____

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testify in any proceedings relating to said inventions, patent applications and Letters Patent.

The undersigned hereby grant the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: <u>Jed W. FAHEY</u>	Signature: <u>Jed W. Fahey</u>	Date: <u>4/13/95</u>
Name: <u>Paul TALALAY</u>	Signature: <u>Paul Talalay</u>	Date: <u>9/13/95</u>
Name:	Signature:	Date:

NAMES AND SIGNATURES OF WITNESSES		
Name: <u>RUTH DILLINGER</u>	Signature: <u>Ruth Dillinger</u>	Date: <u>9/13/95</u>
Name: <u>SHARON KERRY</u>	Signature: <u>S. Kerry</u>	Date: <u>9.13.95</u>

Note: Prima facie evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

10

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Paper Number

10

10

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

T-D

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/425,890	10/25/99	FAHEY	J 046585/0121
		IM22/0201	EXAMINER
FOLEY & LARDNER SUITE 500 3000 K STREET NW WASHINGTON DC 20007-5109		WONG, L	ART UNIT PAPER NUMBER
		1761	10
		DATE MAILED:	02/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE
CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE
OATH OR DECLARATION, notwithstanding any indication to the
contrary in the attached Notice of Allowability (PTO-37).**

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).

<i>Notice of Allowability</i>	Application No. 09/425,890	Applicant(s) Fahey et al.
	Examiner Leslie Wong	Group Art Unit 1761
<p>All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.</p> <p><input checked="" type="checkbox"/> This communication is responsive to <u>papers filed November 13, 2000</u>.</p> <p><input checked="" type="checkbox"/> The allowed claim(s) is/are <u>36 and 48-58 (renumbered 1, 7-10, 2-6, 11, and 12 respectively)</u>.</p> <p><input type="checkbox"/> The drawings filed on _____ are acceptable.</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p><input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received.</p> <p><input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____.</p> <p><input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>*Certified copies not received: _____.</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p> <p>A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).</p> <p><input type="checkbox"/> Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.</p> <p><input checked="" type="checkbox"/> Applicant MUST submit NEW FORMAL DRAWINGS</p> <p><input type="checkbox"/> because the originally filed drawings were declared by applicant to be informal.</p> <p><input checked="" type="checkbox"/> including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.</p> <p><input type="checkbox"/> including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.</p> <p><input type="checkbox"/> including changes required by the attached Examiner's Amendment/Comment.</p> <p>Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.</p> <p><input type="checkbox"/> Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.</p> <p>Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.</p> <p>Attachment(s)</p> <p><input type="checkbox"/> Notice of References Cited, PTO-892</p> <p><input checked="" type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). <u>3</u></p> <p><input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948</p> <p><input type="checkbox"/> Notice of Informal Patent Application, PTO-152</p> <p><input type="checkbox"/> Interview Summary, PTO-413</p> <p><input type="checkbox"/> Examiner's Amendment/Comment</p> <p><input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</p> <p><input type="checkbox"/> Examiner's Statement of Reasons for Allowance</p>		



1/24/10
LESLIE WONG
PRIMARY EXAMINER
ART UNIT 1761

Form PTO 948 (Rev. 8-98)

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

Application No. 09/425,890

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date 10/25/99) are:

- A. approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

- | | |
|---|---|
| <p>1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:
 <input type="checkbox"/> Black ink. Color.
 <input type="checkbox"/> Color drawings are not acceptable until petition is granted.
 <input type="checkbox"/> Fig(s) _____
 <input type="checkbox"/> Pencil and non black ink not permitted. Fig(s) _____</p> <p>2. PHOTOGRAPHS. 37 CFR 1.84 (b)
 <input type="checkbox"/> 1 full-tone set is required. Fig(s) _____
 <input type="checkbox"/> Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) _____
 <input type="checkbox"/> Poor quality (half-tone). Fig(s) _____</p> <p>3. TYPE OF PAPER. 37 CFR 1.84(e)
 <input type="checkbox"/> Paper not flexible, strong, white, and durable.
 <input type="checkbox"/> Fig(s) _____
 <input type="checkbox"/> Erasures, alterations, overwritings, interlineations, fold lines, <u>copy machine marks not accepted</u>. Fig(s) <u>ALL</u>
 <input type="checkbox"/> Mylar, velum paper is not acceptable (too thin).
 <input type="checkbox"/> Fig(s) _____</p> <p>4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
 <input type="checkbox"/> 21.0 cm by 29.7 cm (DIN size A4)
 <input type="checkbox"/> 21.6 cm by 27.9 cm (8 1/2 x 11 inches)
 <input type="checkbox"/> All drawing sheets not the same size.
 <input type="checkbox"/> Sheet(s) _____
 <input type="checkbox"/> Drawings sheets not an acceptable size. Fig(s) _____</p> <p>5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
 <input type="checkbox"/> Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm
 <input type="checkbox"/> SIZE: A4 Size
 <input type="checkbox"/> Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
 <input type="checkbox"/> SIZE: 8 1/2 x 11
 <input type="checkbox"/> Margins not acceptable. Fig(s) <u>ALL</u>
 <input type="checkbox"/> Top (T) _____ Left (L) _____
 <input type="checkbox"/> Right (R) _____ Bottom (B) _____</p> <p>6. VIEWS. 37 CFR 1.84(h)
 REMINDER: Specification may require revision to correspond to drawing changes.
 Partial views. 37 CFR 1.84(h)(2)
 <input type="checkbox"/> Brackets needed to show figure as one entity.
 <input type="checkbox"/> Fig(s) _____
 <input type="checkbox"/> Views not labeled separately or properly.
 <input type="checkbox"/> Fig(s) _____
 <input type="checkbox"/> Enlarged view not labeled separately or properly.
 <input type="checkbox"/> Fig(s) _____</p> <p>7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)
 <input type="checkbox"/> Hatching not indicated for sectional portions of an object.
 <input type="checkbox"/> Fig(s) _____
 <input type="checkbox"/> Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____</p> | <p>8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)
 <input type="checkbox"/> Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____</p> <p>9. SCALE. 37 CFR 1.84(k)
 <input type="checkbox"/> Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.
 <input type="checkbox"/> Fig(s) _____</p> <p>10. CHARACTER OF LINES, NUMBERS, & LETTERS.
 37 CFR 1.84(l)
 <input type="checkbox"/> Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).
 <input type="checkbox"/> Fig(s) _____</p> <p>11. SHADING. 37 CFR 1.84(m)
 <input type="checkbox"/> Solid black areas pale. Fig(s) <u>ALL</u>
 <input type="checkbox"/> Solid black shading not permitted. Fig(s) _____
 <input type="checkbox"/> Shade lines, pale, rough and blurred. Fig(s) _____</p> <p>12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.
 37 CFR 1.84(p)
 <input type="checkbox"/> Numbers and reference characters not plain and legible.
 <input type="checkbox"/> Fig(s) _____
 <input type="checkbox"/> Figure legends are poor. Fig(s) <u>ALL</u>
 <input type="checkbox"/> Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)
 <input type="checkbox"/> Fig(s) _____
 <input type="checkbox"/> English alphabet not used. 37 CFR 1.84(p)(2)
 <input type="checkbox"/> Figs. _____
 <input type="checkbox"/> Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)
 <input type="checkbox"/> Fig(s) _____</p> <p>13. LEAD LINES. 37 CFR 1.84(q)
 <input type="checkbox"/> Lead lines cross each other. Fig(s) _____
 <input type="checkbox"/> Lead lines missing. Fig(s) _____</p> <p>14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)
 <input type="checkbox"/> Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____</p> <p>15. NUMBERING OF VIEWS. 37 CFR 1.84(u)
 <input type="checkbox"/> Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____</p> <p>16. CORRECTIONS. 37 CFR 1.84(w)
 <input type="checkbox"/> Corrections not made from prior PTO-948 dated _____
 <input type="checkbox"/> Fig(s) _____</p> <p>17. DESIGN DRAWINGS. 37 CFR 1.152
 <input type="checkbox"/> Surface shading shown not appropriate. Fig(s) _____
 <input type="checkbox"/> Solid black shading not used for color contrast.
 <input type="checkbox"/> Fig(s) _____</p> |
|---|---|

COMMENTS

REVIEWER Jme Phaster DATE 12/6/99 TELEPHONE NO. 103-308-0364

ATTACHMENT TO PAPER NO. 10



UNITED STATES PARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

19822/0201

FOLEY & LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007-5109

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/425,820	10/25/99	011	MONIG, L	1761 02/03/01
First Named Applicant	FAHEY,	35 USC 154(b) term ext. =	0 days.	

TITLE OF INVENTION METHOD OF PREPARING A FOOD PRODUCT

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1 046585/0121	426-049.000	002	UTILITY	YES	\$620.00	02/03/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or

- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

- III. All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

PTOL-85 (REV. 10-96) Approved for use through 06/30/99. (0651-0033)

PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with application fees, to: Box ISSUE FEE
 Assistant Commissioner for Patents
 Washington, D.C. 20231

MAR 28 2008

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All other correspondence including the Issue Fee Receipt, the Patent, advance orders and notifications of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

FOLEY & LARDNER
 SUITE 500
 3000 K STREET NW
 WASHINGTON DC 20007-5109

IM22/0201

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/425,890	10/25/99	012	WONG, L	1761 02/01/01
First Named Applicant	FAHEY, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION METHOD OF PREPARING A FOOD PRODUCT

CANCER CHEMO PROTECTIVE FOOD PRODUCTS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1 046585/0121	426-049.000	B52	UTILITY	YES	\$620.00	05/01/01

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Foley & Lardner

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
 PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Johns Hopkins School of Medicine
 (B) RESIDENCE: (CITY & STATE OR COUNTRY)

Baltimore, Maryland

Please check the appropriate assignee category indicated below (will not be printed on the patent)

Individual Corporation or other private group entity government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

Issue Fee

Advance Order - # of Copies 4

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 19-0741

(ENCLOSE AN EXTRA COPY OF THIS FORM)

Issue Fee

Advance Order - # of Copies

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

Richard C. Peet, Reg. No. 35,792

(Date)

28 March 2003

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

03/28/2003 IM22/0201 09000111 190741 0942800
 M Peet
 R Peet
 12.00 CH 620.00 CH

TRANSMIT THIS FORM WITH FEE

PTO-85B (REV.10-96) Approved for use through 06/30/99. OMB 0651-0033

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

11

11

Paper Number

11

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**ACCESS ACKNOWLEDGMENT
and
SECRECY ORDER RECOMMENDATION BY DEFENSE AGENCY**

Application Serial No.: 09425890

Defense Agency: ARMY

Filing Date: Oct 25, 1999

Date Referred: Nov 12, 1999

I hereby acknowledge as indicated by my signature on this form that I have inspected this application in administration of 35 USC 181 on behalf of the Agency/Command specified below. I promise not to divulge any information from this application for any purpose other than administration of 35 USC 181.

Recommendation

(e.g. 'Secrecy Not Recommended (SNR)')

Reviewer(s) Signature/Date/Command

SNR	 <small>JAN 07 2000</small> U.S. ARMY <div style="margin-top: 10px;"> <p>divisional of 09/18, 867, filed Jul, 20, 1998 which is a divisional of 08/840, 234, filed April 1, 1997 now U.S. 5, 968, 667 issued Oct 10, 2000</p> <p style="text-align: center;">SECRECY NOT RECOMMENDED</p> <p style="text-align: center;">1/18/2000</p> </div>
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Instructions to Reviewers:

1. All individuals reviewing this application are required under 35 USC 181 to sign and date this form regardless of whether they are making a secrecy order recommendation.
2. The attached copy of the application, any copies made therefrom and this form must be returned to the PTO once a recommendation not to impose secrecy has been made or a secrecy order has been rescinded.

Time for Completion of Review:

Pursuant to 35 U.S.C. 184, the subject matter of this application may be filed in a foreign country for the purpose of filing a patent application without a license any time after the expiration of 6 months from filing date unless the application becomes the subject of a secrecy order.

12

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Paper Number

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B
Atty. Dkt. No. 046585/0121
12
64-29-01
JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jed FAHEY et al.

Title: CANCER CHEMOPROTECTIVE
FOOD PRODUCTS

Appl. No.: 09/425,890

Filing Date: 10/25/1999

Examiner: L. Wong

Art Unit: 1761

Batch No.: B52



Match and Return

**REQUEST FOR CORRECTED NOTICE OF ALLOWANCE
AND ISSUE FEE DUE**

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Leslie Wong
Primary Examiner, Art Unit 1761

Sir:

It is respectfully requested that an error in the Title of the Invention appearing in the Notice of Allowance and Issue Fee Due (PTOL-85) be corrected in this application.

Kindly change the TITLE OF THE INVENTION

from "METHOD OF PREPARING A FOOD PRODUCT"

to CANCER CHEMOPROTECTIVE FOOD PRODUCTS.

Atty. Dkt. No. 046585/0121

Please correct all relevant records and forward a corrected Notice of Allowance and Issue Fee Due (Forms PTOL-85 and 85B) to the undersigned attorney of record as soon as possible in order that it may be used to pay the Issue Fee Due.

Respectfully submitted,

By  35,087 for

Date: February 23, 2001

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard C. Peet
Attorney for Applicant
Registration No. 35,792

13

13

Paper Number

13

13

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No. 046585/0121

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04-29-01
OW #14

Applicant: Jed W. Fahey et al.
Title: CANCER CHEMOPROTECTIVE FOOD PRODUCTS
Appl. No.: 09/425,890
Filing Date: October 25, 1999
Examiner: L. Wong
Art Unit: 1761
Batch No.: B52

TRANSMITTAL OF FORMAL DRAWINGS

Commissioner for Patents
Washington, D.C. 20231

ATTENTION: DRAWING REVIEW BRANCH

Sir:

Transmitted herewith are the formal drawings (2 sheets, Figures 1 and 2) for the above-identified application. The Official Draftsperson is respectfully requested to approve these drawings for entry into the application.

Respectfully submitted,

By Richard C. Peet

Date March 28, 2001

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Paper Number

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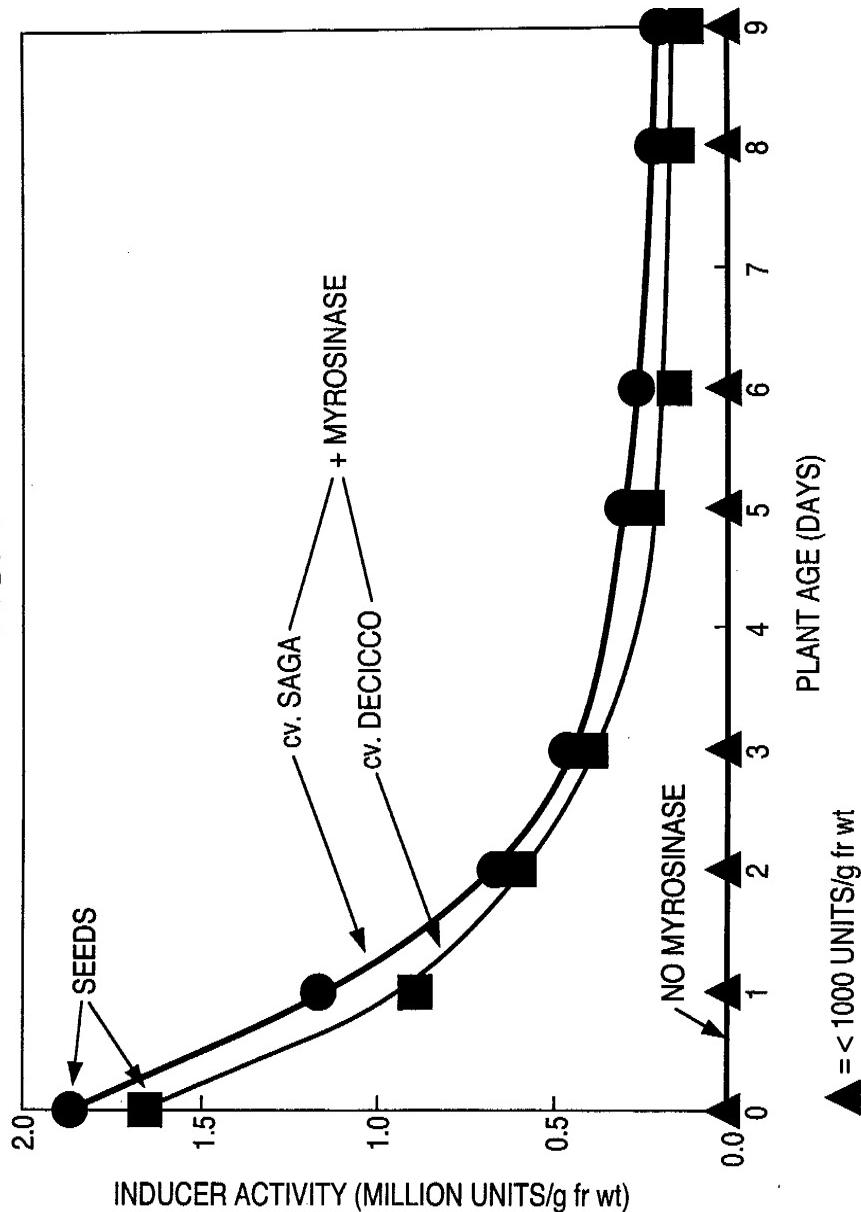
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CANCER CHEMOPROTECTIVE FOOD
PRODUCTS
Serial No. 09/425,890 Filed: 10/25/98
Inventor: Jed W. Fahey et al.
Atty. Docket No. 046585/0121
Foley & Lardner

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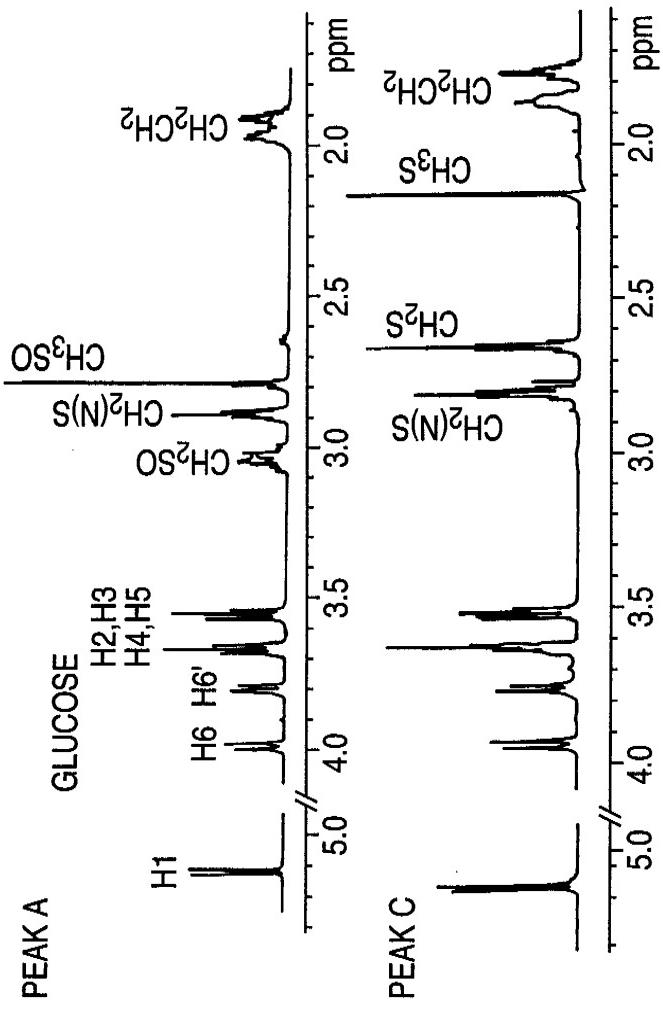
FIG. 1



CANCER CHEMOPROTECTIVE FOOD
PRODUCTS

Serial No. 09/425,890 Filed: 10/25/99
Inventor: Jed W. Fahey et al.
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Foley & Lardner

FIG. 2



PATENT APPLICATION FEE DETERMINATION RECORD Effective November 10, 1998					Application or Docket Number			
CLAIMS AS FILED - PART I								
(Column 1)		(Column 2)						
FOR		NUMBER FILED		NUMBER EXTRA				
BASIC FEE						SMALL ENTITY TYPE <input type="checkbox"/> OR OTHER THAN SMALL ENTITY		
TOTAL CLAIMS		3 minus 20= *		/		RATE <input type="checkbox"/> OR RATE <input type="checkbox"/>		
INDEPENDENT CLAIMS		2 minus 3 = *		/		FEE 380.00 760.00		
MULTIPLE DEPENDENT CLAIM PRESENT								
* If the difference in column 1 is less than zero, enter "0" in column 2								
CLAIMS AS AMENDED - PART II								
(Column 1)		(Column 2)		(Column 3)				
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		
Total		* Minus		**		=		
Independent		* Minus		***		=		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM								
(Column 1)					(Column 2)		(Column 3)	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		
Total		* Minus		**		=		
Independent		* Minus		***		=		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM								
(Column 1)					(Column 2)		(Column 3)	
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		
Total		* Minus		**		=		
Independent		* Minus		***		=		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM								
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.								
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."								
***If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."								
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.								